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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,354	02/05/1999	CHARLES MARIE HERVE NOBLET	Q53197	4832

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SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE N W
WASHINGTON, DC 200373202

EXAMINER

TRAN, KHANH C

ART UNIT PAPER NUMBER

2631

DATE MAILED: 02/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/245,354

Applicant(s)

NOBLET, CHARLES MARIE
HERVE

Examiner

Khanh Tran

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 2, 3, 4, 5, 6, 7 & 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "*relatively small bandwidth*" in claims 1, 2, 4, 5, 6 & 7 is a relative term, which renders the claim indefinite. The term "*relatively small bandwidth*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The phrase "*relatively small bandwidth*" is held to be indefinite because the specification lacks some standard for measuring the degree intended and, therefore, properly rejected as indefinite.

The term "*relatively large bandwidth*" in claims 1, 3 & 7 is a relative term, which renders the claim indefinite. The term "*relatively large bandwidth*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The phrase "*relatively large bandwidth*" is held to be indefinite because the specification lacks some standard for measuring the degree intended and, therefore, properly rejected as indefinite.

The term "*having a bandwidth enough*" in claim 8 is a relative term, which renders the claim indefinite. The term "*having a bandwidth enough*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The phrase "*having a bandwidth enough*" is held to be indefinite because the specification lacks some standard for measuring the degree intended and, therefore, properly rejected as indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Coursey U.S. Patent 5,950,130.

Regarding claim 1, Coursey discloses an intelligent roaming process for enabling a mobile station, which has intelligent roaming capabilities and over-the-air

programming capabilities, to locate a preferred system within a communication network, which comprises a plurality of service areas. At initialization state, when the mobile station is powered on, it scans a home frequency band (cell site) for a control channel, which contains the frequency and access parameters of the home frequency. After that, a voice channel is assigned to the mobile station for calling or reprogramming the mobile station over-the-air.

Regarding claims 2 & 3, Coursey teaches a method described in claim 1. Coursey further teaches the roaming process within mobile communication networks. Therefore, the control channels and voice channels being used in the communication network inherently have standard radio interface which allows the mobile station to communicate with cell sites and vice versa in the network.

3. Claims 8, 9, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon et al. U.S. Patent 5,754,954.

Regarding claim 8, Cannon et al. discloses a method for dynamically and remotely (over-the-air) programming the operating system of a communication unit comprising steps of transmitting or broadcasting a request-for-programming signal to a control resource (central station) using a bootstrap routine, which limits the communication unit to limited communication ability to the central station, on the control channel wherein the frequency and access parameters are inherently in the request message; downloading the operating and parametric information from the central station based on the request parameters on the voice channel.

Regarding claims 9 & 10, Cannon et al. teaches a method as described in claim 8. Cannon et al. further discloses the communication unit operates in a mobile communication environment. Therefore a standard radio interface is inherently common to plurality of networks with respect to the control channel and voice channel as discussed in claim 8.

Allowable Subject Matter

4. Claims 11, 12 & 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon could be considered pertinent to applicant's disclosure.

Dulaney et al. U.S. Patent 5,012,234 discloses user activated memory programming authorization in a selective call receiver.

Zicker et al. U.S. Patent 5,878,339 discloses a cellular radiotelephone system with remotely programmed mobile stations.

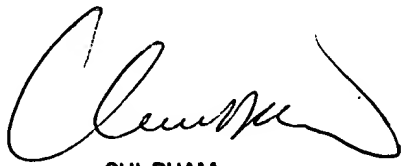
Leung et al. U.S. Patent 6,195,546 B1 discloses a method and an apparatus for network initiated parameter updating.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 703-305-2384. The examiner can normally be reached on Monday - Friday from 08:00 AM - 04:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

KCT
February 22, 2002


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 